

**Supporting Statement For
Paperwork Reduction Act Submission
Foreign Diplomatic Services Applications
OMB No. 1405-0105**

A. JUSTIFICATION

1. The United States is host to hundreds of foreign embassies, consulates, and missions to international organizations, with thousands of personnel, as well as designated international organizations and select personnel of such organizations who are entitled to a range of diplomatic or consular benefits, privileges, and immunities. This group of eligible foreign entities (collectively referred to as “foreign missions”) and their eligible personnel (including certain dependents) are hereinafter referred to as “respondents” or “applicants.”

The U.S. Department of State seeks to ensure that the benefits, privileges, and immunities of such entities and persons assigned to duty in the United States are properly implemented and respected. This responsibility is divided between the Office of Protocol (Protocol) and the Office of Foreign Missions (OFM). Protocol’s responsibilities include the accreditation of individual applicants. OFM’s responsibilities include overseeing and regulating the diplomatic and consular benefits and privileges accorded foreign missions and eligible applicants, including tax exemptions, motor vehicle registrations, driver licenses, customs clearances, and acquisition of real property.

Collection information instruments dealing with information collection from the foreign mission community, to include the electronic data compilation (e-Gov), have been combined under one information collection request, collectively referred to as the “Foreign Diplomatic Services Applications” (FDSA). These information collection instruments provide OFM and Protocol with the information necessary to provide and administer an effective and efficient benefits, privileges and immunities program by which foreign missions and eligible applicants may apply for entitled benefits from the U.S. Department of State.

Administration of and the eligibility for these benefits, privileges, and immunities are conferred on the basis of international and domestic law, taking into account principles of reciprocity. All FDSA are necessary in order for the Department of State to be able to perform functions vital to the conduct of diplomatic relations and to fulfill the requirements of law integral to such relations. Accordingly, the Department seeks to add two additional information collection instruments to its FDSA collection.

- a. The collection of information for **Vendor Application for OFM Website Account**, collection instrument DS-4155, is necessary for the Department to authorize vendor access to the Office of Foreign Missions’ electronic data submission (e-Gov) system giving vendor representatives permission to submit purchase requests on behalf of their foreign mission clients. For access control and to fulfill the requirements of the Vienna Convention on Diplomatic Relations (1961) (VCDR); the Vienna Convention on Consular Relations (1963) (VCCR); Diplomatic Relations Act (22 U.S.C. 254a-e); the International Organizations Immunities Act, 22 U.S.C. 288e(a); and the Foreign

Missions Act of 1982, 22 U.S.C. 4301 *et seq* (FMA), a vendor representative must register with OFM before being granted permission to submit bonded warehouse purchase requests (form DS-1504). The information solicited on this form will be used to determine eligibility and create user accounts for the e-Gov system.

- a. The collection of information for **Foreign Mission Emergency Afterhours Contact**, collection instrument DS-7675, is necessary for the Department to obtain, and thereafter maintain, current emergency contact information on senior level officials assigned to foreign missions in the United States to fulfill the requirements of the Foreign Missions Act of 1982, 22 U.S.C. 4301 *et seq*; the Memorandum of Understanding (MOU) between the Department and the National Transportation Safety Board (NTSB), and other Federal agency emergency MOUs. The solicited information will be used to create an emergency contact directory (by country and mission type) of primary and deputy senior level officials.
2. Respondents may submit their requests to the Department using the approved paper information collection instruments via personal delivery, mail, email, fax, or OFM's e-Gov system application (where applicable).
 - DS-4155, **Vendor Application for OFM Website Account**, is the means by which a bonded warehouse vendor will obtain a logon account. There are three major bonded warehouse vendors. This form will be used to determine whether bonded warehouse personnel may be authorized access to the U.S. Department of State, Office of Foreign Mission's e-Gov Bonded Warehouse program, on behalf of a foreign mission, to submit bonded warehouse purchase requests (form DS-1504). If accepted, that person will be issued a logon with a password.
 - DS-7675, **Foreign Mission Emergency Afterhours Contact**, is the means by which the Department will create and maintain an up-to-date emergency contact list of senior level officials assigned to foreign embassy and consular missions in the United States. Foreign missions will use this form to submit the names, titles, email addresses and telephone numbers of their primary and deputy senior officials to initially notify or update information previously submitted to the Department. The submitted information will be used whenever emergency contact is necessary to communicate information and guidance in an actual domestic emergency incident.
 3. OFM's e-Gov system is an electronic data submission system accessed to submit automated service requests to the U.S. State Department through the Office of Foreign Missions and the Office of Protocol, to obtain "benefits" that can only be obtained through the U.S. Department of State.

OFM continues to develop its e-Gov system, enlarging it to capture and process as many applications as possible. OFM has created two new forms for OMB approval. Electronic submission selections for information collections DS-4155 and DS-7675 will be available on the OFM website, outside of the e-Gov system, in Portable Document Format (PDF), which provides a data-input and print feature for clean and legible paper copies. Once filled out, the forms will either be emailed, faxed, or hand delivered to the Department for processing.

If the electronic submission were not available the paperwork burden would be the same or greater and would require foreign mission submission via Post Office mail, hand delivery, or in some instances facsimile. This in turn would mean a slower delivery process in the requested service, or the service would not be available. Nonetheless, reciprocity is a key component of the VCDR, VCCR and FMA. Because the provision of benefits to foreign mission personnel is generally subject to reciprocity, the Office of Foreign Missions may affirmatively decide to burden a specific foreign government with unnecessary paperwork to respond when such measures are implemented against our own diplomats abroad, with the aim of encouraging that government to alleviate the burden on our diplomats. While purposeful paperwork burdens run counter to the general purpose of the PRA, recourse to reciprocal measures are statutorily authorized in the context of foreign mission personnel.

4. This information is not available elsewhere. The Department of State, through the Office of Protocol and the Office of Foreign Missions, is the only federal agency that registers foreign missions and their personnel, determines and provides benefits eligibility, and provides proof of eligibility for certain privileges and immunities. The respondent controls duplication at the response level and OFM's computer software prevents duplication of benefits at the administration level. The FDSA collection instruments are for specific purposes, used at different times for discrete services (benefits) and safety, each of which is necessary to ensure the United States honors its international legal obligations and protects its missions and personnel abroad.
5. This collection of information does not involve or have impact on small businesses or other small entities.
6. The information collection could not be conducted less frequently. If the necessary information were not collected it would hamper the State Department's effort to permit automated service requests, fulfilling its obligations to extend privileges and immunities to foreign missions and respondents under international and domestic law, or to comply with the requirements of the FMA. Furthermore, non-collection of the information would impede other Department efforts, most significantly, its ability to advise other branches of the United States government as well as state and local authorities, regarding the status of foreign mission personnel. The information included in the DS-4155 must be collected each time a foreign mission wishes to authorize new vendor access to request bonded warehouse purchases on its behalf. The information included in the DS-7675 must be collected annually to maintain an up-to-date emergency contact list.
7. No special circumstances exist regarding the information collection conducted for this set of FDSA collection instruments - the DS-4155, Vendor Application for OFM Website Account and the DS-7675, Foreign Mission Emergency Afterhours Contact.
8. OFM published a Notice of Proposed Information Collection on page number 18614 in the *Federal Register* of April 4, 2011, Public Notice Number 7407, to give the public an opportunity to provide comments. No public comments were received.

Information collected from foreign governments and international organizations is based on universal international diplomatic practice and the need to comply with international and domestic law previously cited. Accordingly, consultation is not essential. However, the Department does continually make an effort to consult and maintain dialogue with the following outside agencies:

- a. The foreign mission community, to make the application process user-friendly and seamless as possible
- b. U.S. Customs and Border Protection, focusing on processing improvement methods.
- c. Other Federal government agencies (e.g. DHS, TSA, NTSB)

Also, as is required by 5 CFR 1320.8 (d), the Department solicits public comments on its information collection prior to submission to OMB. OFM intends to publish a Notice of Information Collection in the *Federal Register* to present the public an opportunity to provide comments.

9. The Department of State does not provide any payment or gifts to respondents.
10. No specific assurance of confidentiality is provided to respondents. Per the Privacy Office, Privacy Act statements are not required on these forms. Since the information collected by both the DS-4155 and DS-7675 forms is retrievable by a company name and/or a mission country name, they are not covered by the Privacy Act Law. Although, the Department's policy is - information obtained from these collections is disclosed on a need-to-know basis only, e.g., law enforcement. If a respondent would further inquire, oral assurance would be provided noting that information is stored in accordance with safeguards established for Sensitive But Unclassified documents, and will be withheld from disclosure to the maximum extent permissible under the Freedom of Information and Privacy Acts.
11. The information collections contain no questions of a sensitive nature on any of the forms.
12. Estimates of the hour burden of the two newest collection instruments:
 - a. For DS-4155, there are approximately 1005 foreign mission respondents (embassies (192), consulates (545), International Organizations (268)) with which the United States maintains bilateral and multilateral diplomatic relations. The frequency of response is occasional. The reporting burden varies according to the size of the mission, whether new missions open or old ones close, the frequency of rotation of their mission personnel, and the number of vendors a foreign mission authorizes vendor access on its behalf. There are three major bonded warehouse vendors. Also, burden may increase or decrease slightly from year to year because of reciprocity provisions. The reporting burden does not vary because of activity or complexity of the mission. If a mission size increases, so will the burden.
 - b. For DS-7675, there are 737 diplomatic and consular mission respondents (embassies (192), consulates (545)). The frequency of response is annual. The reporting burden varies according to the number of missions, whether new missions open or old ones close, and the

frequency of rotation of their mission personnel. The reporting burden does not vary because of activity or complexity of the mission.

The estimated annual reporting burden, which includes the time necessary to complete Foreign Diplomatic Services Applications, duplicate the completed instrument, and attach any supporting documents, is as follows:

Foreign Diplomatic Services Applications

Information Collection Form No.	Respondents	Responses			Estimated Hours Per Response		Total Annual Burden Hours
		(paper)	(automated)	(eGov)			
DS-98	350	0		2,413	15	minutes	603
DS-99	350	0		2,676	15	minutes	669
DS-100	350	392		1,808	30	minutes	1,100
DS-101	350	1,135		6,765	30	minutes	3,950
DS-102	350	67		4,534	30	minutes	2,301
DS-104	350	0		164	30	minutes	82
DS-1504	350	1,588		6,350	30	minutes	3,969
DS-1972	350	350		0	30	minutes	175
DS-1972D	350	0		6,782	15	minutes	1,696
DS-1972T	350	0		5,593	15	minutes	1,398
DS-2003	350	400		11,454	25	minutes	4,939
DS-2004	350	800		0	25	minutes	333
DS-2005	155	200		0	20	minutes	67
DS-2006	350	2,374		5,742	9	minutes	1,217
DS-2007	350	1,500		0	10	minutes	250
DS-2008	350	0		6,685	10	minutes	1,114
DS-4138	350	0	1,500	1,500	10	minutes	500
DS-4139	350	0	0	18,000	10	minutes	3,000
DS-4140	350	0	456	0	10	minutes	76
DS-4155	1,005	0	3,015	0	20	minutes	1,005
DS-7675	737	0	737	0	15	minutes	184
Total Annual Aggregate	8,197	8,806	5,708	80,466	404	minutes	28,628

- 13.** The total annual cost burden to respondents is expected to be insignificant under normal business operations. Since the provision of benefits to foreign diplomatic personnel is subject to reciprocity according to the VCDR, the VCCR and the FMA, the Department may choose to burden a foreign government with an application fee equal to that which it imposes on our U.S. diplomats seeking similar benefits. Currently, no payments or fees are charged in connection with submission or approval of any FDSA information collection. Should this change significantly, OFM will submit an 83C to change the cost burden associated with this collection.

With electronic submissions the mission does assume the cost of ink and paper when it is necessary to print the application to send to the Department. Any other costs for operation, maintenance, and purchase of services and capital or startup costs are nominal. In any event, such costs would be excluded inasmuch as the collection, maintenance, and reporting of information regarding foreign mission personnel and their dependents is a usual and customary function foreign missions undertake under the Vienna Conventions on Diplomatic and Consular Relations and as a matter of customary international law.

The response burden would be the same or greater, and the cost burden certainly greater on respondents, if the information collections were not done by the Federal Government; respondents would have to obtain bonded warehouse purchases paying the usual duty, taxes and fees, and thereafter apply for a refund, if possible, or the service would not be available.

- 14.** The annualized cost for collection of this information and providing benefits is based on a quantification of hours and operational expenses (such as labor costs, programming, processing, product distribution, and/or reportage, equipment and overhead). The annual cost burden to the Department is estimated to be \$3,873,244. See table below.

—

Foreign Diplomatic Services Applications

Information Collection Form No.	Respondents	Total Responses (paper + automated + eGov)	Estimated Costs Per Response	Total Annual Costs
DS-98	350	2,413	\$ 23.00	\$ 55,499
DS-99	350	2,676	\$ 23.00	\$ 61,548
DS-100	350	2,200	\$ 43.00	\$ 94,600
DS-101	350	7,900	\$ 43.00	\$ 339,700
DS-102	350	4,601	\$ 43.00	\$ 197,843
DS-104	350	164	\$ 43.00	\$ 7,052
DS-1504	350	7,938	\$ 23.00	\$ 182,574
DS-1972	350	350	\$ 43.00	\$ 60,286
DS-1972D	350	6,782	\$ 43.00	\$ 270,126
DS-1972T	350	5,593	\$ 43.00	\$ 216,763
DS-2003	350	11,854	\$ 66.00	\$ 627,000
DS-2004	350	800	\$ 66.00	\$ 109,164
DS-2005	155	200	\$ 66.00	\$ 13,200
DS-2006	350	8,116	\$ 33.00	\$ 267,828
DS-2007	350	1,500	\$ 66.00	\$ 198,000
DS-2008	350	6,685	\$ 66.00	\$ 441,210
DS-4138	350	3,000	\$ 120.00	\$ 360,000
DS-4139	350	18,000	\$ 18.00	\$ 324,000
DS-4140	350	456	\$ 18.00	\$ 8,208
DS-4155	1,005	3,015	\$ 32.50	\$ 32,663
DS-7675	737	737	\$ 32.50	\$ 5,980
Total Annual Aggregate	8,197	94,980	\$ 954.00	\$ 3,873,244

15. A revision is being requested to the currently approved FDSA information collection to allow the addition of two new collection instruments.

16. No plans exist to publish the information collected for statistical purposes.
17. The OMB expiration date will be displayed.
18. Exceptions to items (b) and (g)(vi) of the certification statement are identified in item 19 of OMB Form 83-I. The exception to item (b) reflects the fact that although purposeful paperwork burdens run counter to the thrust of PRA, they are statutorily authorized in the context of foreign mission personnel. See item 3 above.- The exception to item (g)(vi) is appropriate based on the Foreign Mission Act's "notwithstanding" clause, which provides that benefits provided by the Office of Foreign Missions cannot be denied by any act of any agency contrary to the provisions of the Foreign Missions Act. See, 22 U.S.C. 4307.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.